

REMARKS

Reconsideration of the present application is respectfully requested. Applicant has submitted new formal drawings that should overcome any prior objections to the clarity of the figures.

This application includes 19 claims. Applicant appreciates the indication of allowance of claims 14-19 and of the allowable subject matter in claims 3, 4, 7, 9, 10, 12 and 13. Claim 9 has been amended to correct a clerical error in the dependency of that claim. It now correctly depends from claim 8. In view of the following arguments, it is believed that the parent and intervening claims to these allowable dependent claims are themselves allowable.

Claims 1, 2, 5, 6 and 8 were rejected as anticipated by U.S. Patent No. 4,476,954. It is believed that the '954 Patent fails as an anticipatory reference because it does not disclose every limitation recited in Applicant's claims. For instance, independent claim 1 recites a hand controller, an actuator assembly and an electrical control system between them. The actuator assembly includes first and second actuators that are operably coupled to the brake and accelerator pedals of the vehicle. Claim 1 also recites a housing supporting the actuator assembly that is pivotably mounted above the vehicle pedals. In rejecting claim 1 as anticipated by the '954 Patent, the support structure 34 (FIG. 1) was regarded as the housing. However, it is clear from the figure and associated text that the housing simply supports the joystick or hand controller. See, col. 5, lines 17-23. The housing does not support the actuators 350, 348 that are coupled to the vehicle pedals, as required by Applicant's claim 1. Moreover, the '954 Patent does not disclose any housing supporting the actuator assembly, as is apparent by the exposed actuator components depicted in FIG. 1. Furthermore, the support for the actuators is not pivotably mounted to the vehicle. Instead, the '954 Patent discloses the drive motors being mounted to the steering column by a mounting bracket 350 (col. 11, lines 20-22). There is no housing pivotably mounted disclosed in the Johnson '954 Patent, so it cannot anticipate claim 1. Moreover, there is no suggestion to add a housing to contain the working

components of the actuators in the '954 Patent or to make such a new housing pivotably mounted. Instead, Johnson relies upon rod end bearings 350 to account for relative pivoting between the actuators and the pedals (col. 11, lines 34-39).

Thus, claim 1 is believed to be patentable over the Johnson '954 Patent because that reference neither discloses nor contemplates the actuator housing pivotably mounted to the vehicle. Since claim 1 is allowable, each of its dependent claims 2-10 is also allowable. Moreover, the dependent claims are allowable on their own merits. Claims 3, 4, 7, 9 and 10 have already been deemed to recite allowable subject matter. Claim 2 defines a support arm connecting the hand controller to the housing. The housing referred to in claim 2 is the same housing in claim 1 that supports the actuator assembly and that is pivotably mounted to the vehicle. No such housing exists in Johnson '954 and there is no physical connection between the Johnson joystick 23 and the actuators 30, 31. Instead, the joystick in the '954 Patent is supported on an arm rest 36 that is mounted adjacent the driver's seat. Claim 5 calls for padding on the actuator assembly housing, which of course does not exist in Johnson '954 because no such housing is disclosed in that reference. Moreover, there is no suggestion of padding of any kind on the support structure 34 that was relied on in making the rejection.

Claim 6 defines the redundant braking actuation feature of Applicant's invention. The claim calls for a brake actuator system that includes a primary and a secondary electric motor. While the Johnson '954 Patent does disclose two motors 194', 194", one is for the accelerator and the other is for the brake (cool. 8, lines 50-59, col. 11, lines 15-22). Thus, the '954 Patent fails to disclose or contemplate a redundant motor system for the vehicle braking.

Claim 11 was rejected as obvious in view of the combination of the Johnson '954 Patent with U.S. Patent No. 6,612,636 to Arthur et al. It was suggested that it would have been obvious to replace the joystick 23 of Johnson with the slide channels and slide members alleged to be found in Arthur '636.

The rejection is unclear what the Arthur components 54, 56 and 52 would be replacing in the Johnson device. Johnson discloses a standard joystick controller 23 supported in a housing 34. It is unclear how this controller and housing would be modified to accommodate the slide channels and slide members purported to be derived from the Arthur '636 Patent. The '636 Patent simply discloses a console with a hitch control lever 52 and a remote valve actuation lever 50. These levers can be pivoted within their own slots 54, 56. It is not seen how these levers can be regarded as a "slide member disposed within said slide channel for sliding movement in a fore-aft direction" as required by Applicant's claim 11. Moreover, there is nothing in Arthur '636 that constitutes "means responsive to the position of said slide member within said slide channel for generating said control signals", also as required by claim 11. The levers 50, 52 in Arthur seem to be connected to a mechanical linkage. There is no indication in Arthur that these levers are used to generate a control signal that is used to activate a brake or accelerator pedal actuator. Moreover, there is no suggestion in Arthur that there is any relationship whatsoever between the levers 50, 52 and their respective slots 54, 56 from which a control signal would be generated.

In short, even if it is possible to replace some undefined component in the Johnson '954 Patent with the ill-defined components in the Arthur reference, this substitution still would not meet all the limitations in Applicant's claim 11. Moreover, claim 11 recites the joystick assembly as including a gripping post and a pair of offset support posts to receive the forearm of the driver. These elements were dismissed out of hand as an obvious "mere duplication of essential working parts". The suggested purpose was "to provide additional support for the platform". However, as recited in the claim and explained in detail in the specification, the gripping post and two rearward posts are on the joystick platform on which the physically handicapped driver places his/her forearm when gripping the gripping post. The rearward posts stabilize and support the driver's forearm, not the "platform" as suggested in the office action. There is no reason to modify either reference in the manner recited in Applicant's claim 11 and there has been no legitimate prima facie case raised for why providing a forward

gripping post and two spaced rearward posts would be an obvious "mere duplication".

In view of the foregoing arguments, it is believed that all claims of this application are in condition for allowance. The Examiner is invited to contact the undersigned if any issues remain that can be readily addressed in a telephone conference. Applicant requests withdrawal of the outstanding rejections and issuance of a Notice of Allowance for the present application.

Respectfully submitted,



November 3, 2005

Michael D. Beck
Reg. No. 32, 722
Maginot, Moore & Bowman
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis, Indiana 46204-5115
Phone: (317) 638-2922
Facsimile: (317) 638-2139

IN THE DRAWINGS:

Applicant has submitted formal drawings to replace the previously filed informal drawings. These formal drawings should address the requirement for new drawings issued in the First Office Action.